

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 21-40569

ERIK R KOPMANIS,

Chapter 13

Debtor.

Judge Thomas J. Tucker

/

**ORDER DENYING FEE APPLICATION WITHOUT PREJUDICE,
AS PREMATURE**

This case is before the Court on a fee application filed by the attorney for the Debtor on February 28, 2022, entitled “First Fee Application For Compensation for Services Rendered” (Docket # 110, the “Fee Application”). On March 17, 2022, the Chapter 13 Trustee filed an objection to the Fee Application (Docket # 117).

The Court will deny the Fee Application, without prejudice as stated below, as premature. It is premature because no Chapter 13 plan has been confirmed yet. The case is currently scheduled for an adjourned confirmation hearing to be held on March 24, 2022. (*See Order at Docket # 116.*)

The Fee Application does not demonstrate good cause for the Court to allow fees for the Debtor’s counsel at this time, when no Chapter 13 plan has been confirmed yet. *See generally* 11 U.S.C. § 1326(a)(2); *see also In re Zielke*, Case No. 21-49495, 2022 WL 609996 (Bankr. E.D. Mich., March 1, 2022). Even if the Court granted a fee application for the Debtor’s former counsel now, the Chapter 13 Trustee could not disburse any money to the Debtor’s former counsel from funds on hand at this time, under § 1326(a)(2).

Accordingly,

IT IS ORDERED that the Fee Application (Docket # 110) is denied.

IT IS FURTHER ORDERED that this Order is without prejudice to the right of the Debtor's counsel to file a new fee application, after one of the following events has occurred in this case: (1) a plan has been confirmed; (2) the case has been converted to Chapter 7; or (3) the case has been dismissed.¹

Signed on March 18, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

¹ On page 2 of the Fee Application, the Debtor's attorney says that the Debtor intends to dismiss this case, but that has not happened yet. If and after that happens, the Debtor's attorney may file a new fee application.